

**ACTION:** Public land order.

**SUMMARY:** This order withdraws 232.50 acres of National Forest System land from mining for 20 years to protect the newly constructed Coyote Ranger District administrative facilities. The land has been and will remain open to mineral leasing.

**EFFECTIVE DATE:** June 2, 1995.

**FOR FURTHER INFORMATION CONTACT:** Hal Knox, BLM Taos Resource Area, 224 Cruz Alta Road, Taos, New Mexico, 87571, (505) 758-8851.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. Subject to valid existing rights, the following described National Forest System land is hereby withdrawn from location and entry under the United States mining laws (30 U.S.C. Ch. 2 (1988)), but not from leasing under the mineral leasing laws, to protect the Coyote Ranger District administrative facilities:

**New Mexico Principal Meridian**

T. 23 N., R. 2 E.,

Sec. 26, S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 35, N $\frac{1}{2}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , and SE $\frac{1}{4}$ NW $\frac{1}{4}$ .

The area described contains 232.50 acres in Rio Arriba County.

2. The withdrawal made by this order does not alter the applicability of those land laws governing the use of the National Forest System lands under lease, license or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (1988), the Secretary determines that the withdrawal shall be extended.

Dated: May 19, 1995.

**Bob Armstrong,**

*Assistant Secretary of the Interior.*

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BILLING CODE 4310-FB-P

**FEDERAL EMERGENCY  
MANAGEMENT AGENCY**

**44 CFR Part 64**

[Docket No. FEMA-7618]

**Suspension of Community Eligibility**

**AGENCY:** Federal Emergency Management Agency, FEMA.

**ACTION:** Final rule.

**SUMMARY:** This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

**EFFECTIVE DATES:** The effective date of each community's suspension is the third date ("Susp.") listed in the third column of the following tables.

**ADDRESSES:** If you wish to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

**FOR FURTHER INFORMATION CONTACT:** Robert F. Shea Jr., Division Director, Program Implementation Division, Mitigation Directorate, 500 C Street, SW., Room 417, Washington, DC 20472, (202) 646-3619.

**SUPPLEMENTARY INFORMATION:** The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the National Flood Insurance Program, 42 U.S.C. 4001 *et seq.*, unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59 *et seq.* Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be

available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Deputy Associate Director finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications have been made, this final rule may take effect within less than 30 days.

**National Environmental Policy Act**

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Considerations. No environmental impact assessment has been prepared.

**Regulatory Flexibility Act**

The Deputy Associate Director has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as

amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless they take remedial action.

#### Regulatory Classification

This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

#### Paperwork Reduction Act

This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

#### Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp., p. 252.

#### Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp., p. 309.

#### List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

#### PART 64—[AMENDED]

1. The authority citation for Part 64 continues to read as follows:

**Authority:** 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

#### § 64.6 [Amended]

2. The tables published under the authority of § 64.6 are amended as follows:

State/location	Community No.	Effective date of eligibility	Current effective map date	Date certain federal assistance no longer available in special flood hazard areas
<b>Region II</b>				
New York: Southampton, Village of, Suffolk County.	365343	Sept. 15, 1972, Emerg; March 9, 1973, Reg; June 2, 1995, Susp.	June 2, 1992 ...	June 2, 1995.
<b>Region III</b>				
Pennsylvania:				
Port Carbon, borough of, Schuylkill County.	420783	Sept. 15, 1972, Emerg; Jan. 19, 1978 Reg; June 2, 1995 Susp.	June 2, 1995 ...	Do.
St. Clair, borough of, Schuylkill County ...	420786	Nov. 24, 1972, Emerg; March 15, 1977, Reg; June 2, 1995, Susp.	.....do .....	Do.
<b>Region IV</b>				
Alabama: Tuscaloosa, city of, Tuscaloosa County.	010203	April 5, 1973, Emerg; Feb. 1, 1979, Reg; June 2, 1995, Susp.	.....do .....	Do.
<b>Region V</b>				
Ohio: Milford Center, village of, Union County.	390662	May 14, 1975, Emerg; June 22, 1995 Reg; June 2, 1995, Susp.	.....do .....	Do.
Wisconsin: Oshkosh, city of, Winnebago County.	550511	Nov. 12, 1971, Emerg; May 16, 1977, Reg; June 2, 1995, Susp.	.....do .....	Do.
<b>Region VI</b>				
Louisiana: Leesville, city of, Vernon Parish ....	220229	Oct. 17, 1974, Emerg; Jan 17, 1986, Reg; June 2, 1995, Susp.	.....do .....	Do.
Oklahoma:				
Pawnee, city of, Pawnee County .....	400163	Feb. 20, 1975, Emerg; June 19, 1985, Reg; June 2, 1995, Susp.	.....do .....	Do.
McClain County, unincorporated areas ....	400538	Sept. 10, 1990, Emerg; Feb. 3, 1993, Reg; June 2, 1995, Susp.	.....do .....	Do.
<b>Region VIII</b>				
Colorado:				
Nederland, town of, Boulder County .....	080255	May 2, 1977, Emerg; Aug. 1, 1979, Reg; June 2, 1995, Susp.	.....do .....	Do.
La Planta County, unincorporated areas .	080097	Dec. 12, 1974, Emerg; Dec. 15, 1981, Reg; Dec. 15, 1981, Susp; Dec. 28, 1983, Rein; June 2, 1995, Susp.	.....do .....	Do.
Utah: Joseph, town of, Sevier County .....	490127	Mar. 23, 1976, Emerg; Aug. 28, 1979, Reg; June 2, 1995, Susp.	.....do .....	Do.
<b>Region IX</b>				
Hawaii: Hawaii County, unincorporated areas	155166	June 5, 1970, Emerg; May 3, 1982, Reg; June 2, 1995, Susp.	.....do .....	Do.
<b>Region X</b>				
Washington: Cowlitz County, unincorporated areas.	530032	June 18, 1971, Emerg; Aug. 1, 1980, Reg; June 2, 1995, Susp.	.....do .....	Do.
<b>Region III</b>				
Delaware:				

State/location	Community No.	Effective date of eligibility	Current effective map date	Date certain federal assistance no longer available in special flood hazard areas
Bethany Beach, town of, Sussex County .	105083	Nov. 12, 1971, Emerg; Apr. 6, 1973, Reg; June 16, 1995, Susp.	6-16-95 .....	June 16, 1995.
Bethel, town of, Sussex County .....	100055	Jan. 22, 1976, Emerg; Jan. 16, 1981, Reg; June 16, 1995, Susp.	.....do .....	Do.
Blades, town of, Sussex County .....	100031	May 30, 1975, Emerg; Jan. 16, 1981, Reg; June 16, 1995, Susp.	.....do .....	Do.
Dagsboro, town of, Sussex County .....	100033	July 9, 1975, Emerg; June 1, 1981, Reg; June 16, 1995, Susp.	.....do .....	Do.
Dewey Beach, town of, Sussex County ...	100056	June 18, 1982, Emerg; June 18, 1982, Reg; June 16, 1995, Susp.	.....do .....	Do.
Fenwick Island, town of, Sussex County .	105084	Nov. 19, 1971, Emerg; Mar. 23, 1973, Reg; June 16, 1995, Susp.	.....do .....	Do.
Greenwood, town of, Sussex County .....	100039	July 30, 1975, Emerg; Feb. 24, 1978, Reg; June 16, 1995, Susp.	.....do .....	Do.
Laurel, town of, Sussex County .....	100040	April 2, 1975, Emerg; Jan. 16, 1981, Reg; June 16, 1995, Susp.	.....do .....	Do.
Lewes, city of, Sussex County .....	100041	Mar. 23, 1973, Emerg; Mar. 15, 1977, Reg; June 16, 1995, Susp.	.....do .....	Do.
Milford, town of, Sussex County .....	100042	June 5, 1974, Emerg; June 1, 1977, Reg; June 16, 1995, Susp.	.....do .....	Do.
Millsboro, town of, Sussex County .....	100043	May 28, 1974, Emerg; Sept. 1, 1978, Reg; June 16, 1995, Susp.	.....do .....	Do.
Millville, town of, Sussex County .....	100044	Oct. 2, 1978, Emerg; Sept. 25, 1981, Reg; June 16, 1995, Susp.	.....do .....	Do.
Milton, town of, Sussex County .....	100045	Sept. 17, 1974, Emerg; Aug. 1, 1978, Reg; June 16, 1995, Susp.	.....do .....	Do.
Ocean View, town of, Sussex County .....	100046	July 1, 1975, Emerg; Sept. 3, 1980, Reg; June 16, 1995, Susp.	.....do .....	Do.
Rehoboth Beach, town of, Sussex County.	105086	Feb. 11, 1972, Emerg; Mar. 30, 1973, Reg; June 16, 1995, Susp.	.....do .....	Do.
Slaughter Beach, town of, Sussex County	100050	May 28, 1974, Emerg; July 2, 1980, Reg; June 16, 1995, Susp.	.....do .....	Do.
South Bethany, town of, Sussex County .	100051	Sept. 15, 1972, Emerg; Oct. 6, 1976, Reg; June 16, 1995, Susp.	.....do .....	Do.
Sussex County, unincorporated areas .....	100029	Apr. 16, 1971, Emerg; Oct. 6, 1976, Reg; June 16, 1995, Susp.	.....do .....	Do.
<b>Region IV</b>				
Pennsylvania:				
Point Marion, borough of, Fayette County	421617	July 3, 1974, Emerg; July 4, 1988, Reg; June 16, 1995, Susp.	.....do .....	Do.
Upper Chichester, township of, Delaware County.	420439	Dec. 17, 1971, Emerg; May 16, 1977, Reg; June 16, 1995, Susp.	.....do .....	Do.
West Virginia: Mercer County, unincorporated areas.	540124	Dec. 23, 1975, Emerg; Feb. 1, 1985, Reg; June 16, 1995, Susp.	.....do .....	Do.
<b>Region V</b>				
Florida:				
Gulf Breeze, city of, Santa Rosa County .	120275	July 10, 1970, Emerg; Sept. 1, 1977, Reg; June 16, 1995, Susp.	.....do .....	Do.
Monroe County, unincorporated areas .....	125129	June 12, 1970, Emerg; June 15, 1973, Reg; June 16, 1995, Susp.	.....do .....	Do.
Tennessee: Polk County, unincorporated areas.	470261	Apr. 9, 1993, Emerg; June 16, 1995, Reg; June 16, 1995, Susp.	.....do .....	Do.
<b>Region VI</b>				
Indiana: Bloomington, city of, Monroe County	180169	July 8, 1972, Emerg; June 15, 1978, Reg; June 16, 1995, Susp.	.....do .....	Do.
<b>Region VII</b>				
Oklahoma:				
Midwest City, city of, Oklahoma County ..	400405	Jan. 16, 1975, Emerg; May 19, 1981, Reg; June 16, 1995, Susp.	.....do .....	Do.
Newcastle, city of, McClain County .....	400103	July 18, 1975, Emerg; Dec. 15, 1983, Reg; June 16, 1995, Susp.	.....do .....	Do.
<b>Region VII</b>				
Iowa:				
Ames, city of, Storey County .....	190254	July 25, 1974, Emerg; Jan. 2, 1981, Reg; June 16, 1995, Susp.	.....do .....	Do.
Mason City, city of, Cerro Gordo County .	190060	Mar. 21, 1975, Emerg; Dec. 2, 1980, Reg; June 16, 1995, Susp.	.....do .....	Do.

State/location	Community No.	Effective date of eligibility	Current effective map date	Date certain federal assistance no longer available in special flood hazard areas
Jackson County, unincorporated areas ....	190879	Aug. 17, 1979, Emerg; May 1, 1990, Reg; June 16, 1995, Susp.	.....do .....	Do.
Kansas: Pittsburg, city of, Crawford County ...	200072	Nov. 14, 1974, Emerg; May 1, 1979, Reg; June 16, 1995, Susp.	.....do .....	Do.
<b>Region X</b>				
Washington: Thurston County, unincorporated areas.	530188	Sept. 13, 1974, Emerg; Dec. 1, 1982, Reg; June 16, 1995, Susp.	.....do .....	Do.

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Rein.—Reinstatement; Susp.—Suspension.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Issued: May 24, 1995.

**Frank H. Thomas,**

*Deputy Associate Director, Mitigation Directorate.*

[FR Doc. 95-13519 Filed 6-1-95; 8:45 am]

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

#### 45 CFR Part 1357

RIN AB44

#### Child Welfare Services Program

**AGENCY:** Administration on Children, Youth and Families; Administration for Children and Families, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Department of Health and Human Services is issuing this final rule to amend the regulations governing direct payments to Indian Tribal Organizations (ITOs) for child welfare services. It eliminates the requirement that to be eligible ITOs must provide services under contract (or grant) with the Secretary of the Interior under section 102 of the Indian Self-Determination Act, and adds a description of the formula used to calculate the amount of Federal funds available to eligible ITOs under title IV-B, Subpart 1 of the Social Security Act. We believe that complex and limiting eligibility requirements and low grant amounts have resulted in low ITO participation rates. The amendment will improve the quality of Indian child welfare services nationally by broadening eligibility and by allowing for an increase in grant amounts.

**EFFECTIVE DATE:** October 1, 1995.

**FOR FURTHER INFORMATION CONTACT:** Olivia A. Golden, Administration on

Children, Youth and Families, P.O. Box 1182, Washington, DC 20013, (202) 205-8474.

#### SUPPLEMENTARY INFORMATION:

##### I. Program Description and Background

Title IV-B, Subpart 1, of the Social Security Act (the Act), the Child Welfare Services program, is a formula grant program. Each State receives a grant representing its share of the current authorized amount. The grants provide States with Federal support for a wide variety of State child welfare services including: preplacement preventive services to strengthen families and avoid placement of children; services to prevent abuse and neglect; services for the provision of foster care and adoption; and certain protections for children in foster care.

The grant funds can be used to provide services regardless of the income of the families and children who are in need of such services.

The Child Welfare Services program has been a part of the Social Security Act (the Act) since the Act's inception in 1935. In 1968, Congress transferred this program to title IV, Part B of the Act (sections 420-425 of the Act). Historically, title IV-B has provided Federal grants to States to establish, extend and strengthen child welfare services. Under this program, services are available to all children, including the homeless, neglected, dependent and those with disabilities.

The Adoption Assistance and Child Welfare Act of 1980 (Pub. L. 96-272) was enacted on June 17, 1980. In addition to amending title IV-B, Public Law 96-272 established a new program, the title IV-E program, which replaced on October 1, 1982, the title IV-A foster care program in the States. The law created links between the two programs with numerous program and fiscal incentives. The impetus behind the passage of Public Law 96-272 was the belief of Congress and most State child welfare administrators, supported by

extensive research, that the public child welfare system responsible for serving dependent and neglected children, youth and families had become a receiving or holding system for children living away from their parents. Congress envisioned in the new legislation a system that would help families remain together by assisting parents in carrying out their roles and responsibilities and providing alternative permanent placement for those children who cannot return to their own homes.

Public Law 96-272 created section 428 of the Act which provides for direct payments to certain Indian Tribal Organizations, of funds authorized under title IV-B for child welfare services to certain ITOs. Effective June 22, 1983, regulations published at 45 CFR 1357.40 implemented section 428 of the Act, and specified which ITOs are eligible to receive funds directly and under what circumstances direct payments should be made available. In determining which ITOs would be eligible for direct funding, the Department decided to make the option of applying for direct funding available to those ITOs which had contracted with, or received a grant from, the Bureau of Indian Affairs under Public Law 93-638 (Indian Self-Determination Act) for child welfare services. This requirement was intended to limit direct funding to ITOs that had established the need for child welfare services and had taken advantage of the opportunity for direct management and operation of a tribal child welfare services program. Under this approach, direct grants would be added to existing ongoing Indian child welfare programs operated by the tribal organizations. The title IV-B funds were intended to be linked to the other major Federal Indian social services program to support Indian self-determination, and complement the provisions of the Indian Child Welfare Act of 1978 (Pub. L. 95-608). This was considered important by the Department because title IV-B funds alone are